

1 HONORABLE RONALD B. LEIGHTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 SHERLITA Q. STEINBERGER,

11 Plaintiff,

12 v.

13 WASHINGTON DEPARTMENT OF
14 CORRECTIONS,

15 Defendant.

Case No. C07-5404RBL

ORDER

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17 THIS MATTER comes on before the above-entitled Court upon Defendant's Motion to Dismiss or
18 in the Alternative for a More Definite Statement [Dkt. #10]. Having considered the entirety of the records and
19 file herein, the Court finds and rules as follows:

20 On November 15, 2007 defendant filed the instant motion and properly noted it for December 7, 2007.
21 Under CR 7(d)(3), Local Rules W.D. Wash., plaintiff's response was due on December 3, 2007. Plaintiff did
22 not respond to the motion. On December 7, 2007 this Court entered an Order re-noting the motion for
23 January 11, 2008. [Dkt. #11]. In that Order the Court informed plaintiff that her response to the motion was
24 due on January 7, 2008 and specifically cautioned plaintiff that the failure to respond to the motion would
25 result in the motion being granted and her case being dismissed. [*Id.*]. See CR 7(b)(2) ("If a party fails to file
26 papers in opposition to a motion, such failure may be considered by the court as an admission that the motion
27 has merit.")

1 To date plaintiff has not responded to the motion. Furthermore, a review of the motion indicates that
2 the motion indeed has merit. Defendant argues that plaintiff has failed to properly serve the Attorney General
3 pursuant to RCW 4.92.020; therefore this Court lacks jurisdiction over the defendant. From the record it
4 appears that defendant has not been served. It is therefore

5 **ORDERED** that defendant's motion [Dkt. #10] is **GRANTED** and this case is **DISMISSED**
6 **WITHOUT PREJUDICE.**

7 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
8 pro se.

9 Dated this 11th day of January, 2008.

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11 Ronald B. Leighton
12 RONALD B. LEIGHTON
13 UNITED STATES DISTRICT JUDGE

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